

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD
RICHMOND
FINAL DECISION AND ORDER
REVOKING LICENSES**

IN THE MATTER OF: **BLAKELY'S, INC.**
 BLAKELY'S, INC.
 414 BATTLEFIELD BOULEVARD S.
 CHESAPEAKE, VIRGINIA 23322-5314

LICENSE NOS.: **052246 – WINE AND BEER ON PREMISES**
 052246 – MIXED BEVERAGE RESTAURANT

ABC INCIDENT NOS.: **201005200033, 201102110092 & 201105200041**

This matter was considered on June 8, 2011, by the Virginia Alcoholic Beverage Control Board upon the initial decision of Robert S. O'Neal, Chief Administrative Hearing Officer, an appeal hearing before the Board having been waived by the licensee, on the charges that:

1. **During the preceding license year April 1, 2009 through March 31, 2010, the gross receipts from the sale of food and nonalcoholic beverages at the licensed establishment were less than forty-five percent of the gross receipts from the sale of mixed beverages and food, in violation of Sections 4.1-210, 4.1-114 and 4.1-225 1.c. of the Code of Virginia. (Mixed Beverage Restaurant).**
2. **The licensee cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license issued by the Board, in violation of Section 4.1-225 1.f. of the Code of Virginia. (Wine and Beer On Premises & Mixed Beverage Restaurant)**
3. **The licensee cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license issued by the Board, in violation of Section 4.1-225 1.f. of the Code of Virginia. (Wine and Beer On Premises & Mixed Beverage Restaurant)**
4. **A cause exists for which the Board would be entitled to refuse to issue a license, in that the place occupied by the licensee is so located that violations of the ABC Act or the laws of the Commonwealth relating to peace and good order have resulted from issuance of the license and operation thereunder, in violation of Sections 4.1-222 A.2.b., 4.1-225 5. and 4.1-203 of the Code of Virginia. (Wine and Beer On Premises & Mixed Beverage Restaurant)**
5. **On or about January 1, 2008 through May 1, 2011, the licensee failed to comply with ABC law in that the place occupied by the licensee has become a meeting place or rendezvous for illegal users of narcotics, drunks, and habitual law violators or has become a place where illegal drugs are regularly used or distributed, in violation of Section 4.1-225.2.c. of the Code of Virginia. (Wine and Beer On Premises & Mixed Beverage Restaurant)**
6. **A cause exists for which the Board would be entitled to refuse to issue a license, in that the licensee has failed to take reasonable measures to prevent the licensed premises, an adjacent premises owned or leased by the licensee, or public property adjacent to the licensed premises, from being a place where patrons of the establishment commit criminal violations enumerated in 4.1- 225 (1) q. and such violations lead to arrests that are so frequent and serious as to be reasonably deemed a continuing threat to public safety, in violation of Section 4.1-225 (1) q. of the Code of Virginia. (Wine and Beer On Premises & Mixed Beverage Restaurant)**

Upon review of the record, the Board is of the opinion that the nature of the proceedings and the public interests will be served by accepting the licensee's voluntary surrendering of the ABC license described herein as revoked. Therefore, the initial memorandum decision, dated June 8, 2011, should be adopted and incorporated herein by reference as the final decision of the Board;

Therefore, IT IS ORDERED that the wine and beer on-premises and mixed beverage restaurant licenses be, and the same are hereby, **revoked**.

IT IS FURTHER ORDERED that an agent of the Board serve a true copy of this order at the above establishment and take up the license in accordance with this decision.¹

IT IS FINALLY ORDERED that the initial decision be, and the same is hereby, adopted and incorporated herein by reference as the final decision of the Board.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal with W. Curtis Coleburn, Secretary to the Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

ENTER: VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Sandra C. Canada

ABC Commissioner

DATE: June 8, 2011

ATTEST:

Naubeth Smith

Assistant Secretary

3 ENF DIV, PUBLIC AFFAIRS, FILE Grady A. Palmer, Esq. Asst. City Attorney Chesapeake City Attorney's Office 306 Cedar Road Chesapeake, Virginia 23322	Martin A. Thomas, Sr., Esq. Decker, Cardon, Thomas, Weintraub & Neskis, P.C. Towne Bank Building 109 E. Main Street, Suite 200 P.O. Box 3787 Norfolk, Virginia 23514-3787	BLAKELY'S, INC BLAKELY'S, INC. 6511 GLEBE POINT RD CHESTERFIELD, VA 23838 ATTN: AUDREY HARRIS
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¹ The licenses have been surrendered to the ABC Chesapeake Regional Office as of 11:35 a.m. on June 8, 2011